

Notice of Allowability

Application No.

09/927,719

Examiner

Andrew Wright

Applicant(s)

BLANCHARD, CLARENCE E.

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment dated 4/5/04.
2. ☒ The allowed claim(s) is/are 34-42 and 45-50.
3. ☒ The drawings filed on 11 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 4/5/04
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RESPONSE TO AFTER FINAL AMENDMENT

1. Applicant's arguments (see pages 9 and 10 of the After Final Amendment dated 11/05/03) with respect to claims 43 and 44 have been fully considered and are persuasive. The rejection of claims 43 and 44 has been withdrawn.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Dominic Gourdreault on 4/5/04. The examiner initiated the interview to discuss claims 43 and 44. In the previous Office Action (Advisory Action dated 11/21/03) the examiner indicated that applicant's arguments regarding claims 43 and 44 were persuasive and that the rejection would be withdrawn. The examiner did not indicate that claims 43 and 44 were allowable at that time. Applicant submitted a second After Final Amendment (dated 3/5/04) canceling finally rejected claims 29-33, leaving claims 43-44 and previously indicated allowable claims 34-42 and 45-50 pending. The examiner called applicant to inform applicant that claims 43 and 44 were not allowable and that the After Final Amendment would be entered and that the finality of the last rejection would be withdrawn. The examiner indicated to applicant that two options were available: claims 43 and 44 could be cancelled by examiner's amendment and the

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case allowed, or a new non-final rejection could be made on claims 43 and 44.

Applicant opted to cancel claims 43 and 44, thereby placing the application in condition for allowance.

The application has been amended as follows:

Claims 43 and 44 have been cancelled.

Allowable Subject Matter

4. Claims 34-42 and 45-50 are allowed.
5. Claims 34-42 and 45-48 were indicated allowable in the Office Action dated 9/05/03. New claims 49 and 50 are previous claims 32 and 33 written in independent form. Claims 32 and 33 were indicated as objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form, in the Office Action dated 9/05/03.

Conclusion

6. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for

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official communications is 703-872-9306. The fax number directly to the examiner for unofficial communications is 703-746-3548.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1113.

Andrew D. Wright
Patent Examiner
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AW 4/5/04